

## United States Department of Agriculture,

### OFFICE OF THE SECRETARY.

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#### NOTICE OF JUDGMENT NO. 986, FOOD AND DRUGS ACT.

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##### MISBRANDING OF HEADACHE TABLETS.

On or about April 20, 1910, Cyrus W. Nelson, doing business under the name of the Capitol Pharmacy, Houston, Tex., shipped from the State of Texas into the State of Tennessee a quantity of a drug product labeled "Headache Tablets, Act like Magic. Dose: 1 Tablet, repeating in half hour, if necessary. The Capitol Pharmacy, Inc., \* \* \* 319 Main St., Houston, Texas \* \* \* Guaranteed under the Pure Food and Drugs Act, June 30, 1906. Contains Acetanilid  $3\frac{1}{2}$  grains, Codea Sulph.  $\frac{1}{4}$  grain." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain caffeine, acetanilid, sodium bicarbonate, halogen, coloring matter, and starch, but no codein. As the above analysis and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Cyrus W. Nelson and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On April 1, 1911, a criminal information was filed in the District Court of the United States for the Southern District of Texas against the said Cyrus W. Nelson, charging the above shipment, and alleging that the product so shipped was misbranded because the label thereon represented that the product contained codein one-fourth grain, whereas in truth and in fact the said product did not contain codein, said label being false and misleading, and such as to deceive and mislead the purchaser.

On April 10, 1911, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$50 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C. *June 24, 1911.*

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